

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE

SC13-1333

LAURA M. WATSON, NO. 12-613

**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S RESPONSE
TO JUDGE WATSON'S NOTICE OF FILING COPIES OF LATE
PRODUCED DISCOVERY AND LATE PRODUCED REDACTIONS BY
THE FLORIDA BAR AND NOTICE OF JUDGE WATSON'S
RESERVATION OF RIGHTS AND MOTION FOR STAY**

The Florida Judicial Qualifications Commission, by and through its undersigned counsel, hereby files its Response to Judge Watson's Notice of Filing Copies of Late Produced Discovery and Late Produced Redactions By The Florida Bar and Notice of Judge Watson's Reservation of Rights and Motion for Stay ("Motion for Stay").¹

I. INTRODUCTION

On April 14, 2015, this Court entered an Order denying Judge Watson's *Notice of Direct Criminal Contempt and Motion to Reject the JQC's Report and Recommendations of the JQC Based Upon Perjury, Fraud, Spoliation of Evidence and Numerous Violations of the Rules Regulating The Florida Bar, and Other Relief* ("Motion to Reject). The basis of Judge Watson's Motion to Reject was that The Florida Bar ("Bar"), and tangentially the JQC, had failed to produce

¹ This Response is filed solely on behalf of the Judicial Qualifications Commission.

certain emails to Judge Watson and that the Bar's and JQC's failure to do so limited her ability to effectively cross-examine Larry Stewart, a witness called by the JQC at her final hearing.

In the wake of that denial, Judge Watson now seeks a stay of these proceedings, ostensibly for the purpose of permitting the Bar to determine whether there are any remaining documents that are responsive to a subpoena she previously served on the Bar. *See* Motion for Stay at p. 4. In actuality, Judge Watson's Motion for Stay is her latest maneuver in a predictable strategy to delay these proceedings at every juncture. This pattern began immediately prior to the start of the final hearing before the Hearing Panel on February 10, 2014, and has continued while the Hearing Panel's Findings and Recommendation of Discipline has been pending before this Court.

Before reaching the "merits" of her latest Motion for Stay, this Court should take notice of the multiple times Judge Watson has attempted to "stay" these proceedings, all of which have been denied. Those attempts are summarized in the table below:

DATE	PLEADING	RELIEF SOUGHT	DISPOSITION
2/7/14	Motion for Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction filed in the U.S. District Court for the Southern District of Florida.	Injunction to enjoin the JQC from proceeding with Judge Watson's final hearing on Feb. 10, 2014.	DENIED by District Court Order dated February 9, 2014
2/7/14	Judge Watson's Motion for an Injunction or to Stay the Final Hearing	Injunction to enjoin the JQC from proceeding with Judge Watson's final hearing pending the federal court's ruling on her Motion for Preliminary injunction.	DENIED by Hearing Panel on February 10, 2014.
2/10/14	Judge Watson's Motion to Disqualify Mayanne Downs, Esq., the Honorable Kerry I. Evander, the Honorable Robert Morris and Michael Nachwalter, Esq.	Disqualification of hearing panel members filed on morning of first day of hearing.	DENIED by Hearing Panel on February 10, 2014.

4/23/14	Judge Watson's Motion to Stay JQC Proceedings and Briefing and/or Motion for Extension of Time ("Motion to Stay")	Stay of JQC proceedings pending final disposition of Petition for Declaratory Relief filed in the Florida Supreme Court (Case No. SC 14-749) and appeals Judge Watson is pursuing against the JQC in the U.S. Court of Appeals for the Eleventh Circuit.	DENIED by Court Order dated May 21, 2014
4/30/14	Judge Watson's Motion to Toll Time	Tolling of time for Judge Watson to respond to Court's Show Cause Order dated April 17, 2014, pending the Court's ruling on Judge Watson's Motion to Stay.	DENIED by Court Order dated June 3, 2014

10/27/14	Judge Watson's Motion to Toll Time	Tolling of time pending final disposition of Judge Watson's Motion to Dismiss/Reject the JQC's Report and Recommendation Because the JQC's Admission that Judge Watson Did Not Violate the Code of Judicial Conduct is Fatal to its Claim of Subject Matter Jurisdiction.	Court DENIED Judge Watson's Motion to Dismiss/Reject the JQC's Report and Recommendation by Order dated November 17, 2014
6/3/14	Judge Watson's Motion to Toll Time	Tolling of time pending Court's decision on Judge Watson's Motion for Rehearing of Order Denying Judge Watson's Motion to Stay.	DENIED by Court Order dated June 12, 2014

The table above does not include the multiple motions for rehearing Judge Watson has filed, none of which have been granted, but all of which have needlessly injected further delay into these proceedings:

II. JUDGE WATSON'S MOTION FOR STAY SHOULD BE DENIED

A. Background

The salient facts underlying the Hearing Panel's recommendation that Judge Watson be removed from office are set forth in the JQC's Reply Brief filed on July 31, 2014, and briefly summarized again in the JQC's Response to Judge Watson's Motion to Reject on April 10, 2015.² Briefly, Judge Watson was one of several lawyers (referred to in the JQC's Reply Brief as the "PIP lawyers") who recruited a group of lawyers specializing in bad faith litigation (referred to in the JQC's Reply Brief as the "Bad Faith lawyers") to initiate a lawsuit against Progressive based on Progressive's perceived bad faith refusal to settle claims of several health care provider clients of the PIP lawyers. Larry Stewart and William Hearon were two of the Bad Faith Lawyers.

A dispute eventually arose between the PIP lawyers and the Bad Faith lawyers after the Bad Faith lawyers learned the PIP lawyers had secretly engineered a global settlement of the health care providers' claims with Progressive. That dispute ultimately culminated in the Bad Faith lawyers filing suit against the PIP lawyers in the Circuit Court for the Fifteenth Judicial Circuit.

² The facts will only be recounted here to the extent necessary to amplify the JQC's legal arguments.

(“State Court Litigation”). Following a lengthy non-jury trial, the Honorable David Crow entered a Final Judgment in favor of the Bad Faith lawyers.

In October 2012, a Bar grievance committee found probable cause that attorney Watson had violated several Rules Regulating the Florida Bar with respect to the claims that had been litigated before Judge Crow. In the following month, attorney Watson won election as a circuit court judge in Broward County. Following her election, the JQC issued a notice of investigation to Judge Watson and ultimately commenced formal proceedings against her based on the same ethical issues that arose during the litigation before Judge Crow.

Judge Watson’s final hearing before the JQC occurred February 10-12, 2014. Thereafter, the Hearing Panel issued its Findings and Recommendation of Discipline on April 15, 2014, in which it determined that attorney Watson had violated several Rules Regulating the Florida Bar and was presently unfit to hold office. *See* Findings, Conclusions and Recommendations of the Hearing Panel, Florida Judicial Qualifications Commission at p. 6.

B. Judge Watson Has Raised No New Grounds in her Motion for Stay

Similar to the arguments she raised in her Motion to Reject filed on March 25, 2015, Judge Watson repeats her claim that she was deprived due process because of certain emails allegedly withheld by The Florida Bar (what she

characterizes as the “Withheld Emails”). *See* Motion for Stay at ¶ 6. Specifically, she argues:

25. The Withheld Emails reveal that [Larry] Stewart drafted official complaints, memos, and briefs for [The Florida Bar]. He directed the entire Bar narrative which was then echoed and adopted by the JQC. Judge Watson did not have this discovery or similar material available to cross-examine Stewart. The Bar states the documents are duplicative and merely show that Stewart “aggressively interacted with the Bar.” Stewart actually stepped into the shoes of The Florida Bar and also appears to have exerted significant influence over the JQC and its counsel.”

See Motion for Stay at ¶ 25.

A sample of the “Withheld Emails is attached as Composite Exhibit B to Judge Watson’s Motion for Stay. *See* Motion for Stay at ¶ 6. Those emails are catalogued in the following table by date, author, recipient, and “carbon copies”:

THE WITHHELD E-MAILS

Date	Bates No.	Author	Recipient	Copies to
8/16/13	TFB-003339	Larry Stewart	Ghenete W. Muir A. Pascal	Adria Quintela, The Florida Bar
1/15/13	TFB- 0004740	Larry Stewart	Ghenete W. Muir	Alan Pascal Emily Sanchez William C. Hearon
10/12/12	TFB-004845	Adria Quintela	Kenneth L. Marvin, The Florida Bar	
10/7/13	TFB-004857	Adria Quintela	Larry Stewart William C. Hearon	
10/15/13	TFB-004865	Larry Stewart	Kenneth L. Marvin John T. Berry John Harkness	David Rothman William C. Hearon Todd Stewart

Date	Bates No.	Author	Recipient	Copies to
8/19/13	TFB-004869	Larry Stewart	Ghenete W. Muir	Alan Pascal Adria Quintela Emily Sanchez
9/4/13	TFB-004875	Larry Stewart	Ghenete W. Muir	Alan Pascal Emily Sanchez Todd Stewart
9/10/13	TFB-004878	Adria Quintela	Larry Stewart	Ghenete W. Muir Alan Pascal Adria Quintela William C. Hearon Todd Stewart
1/11/13	TFB-004914	Alan A. Pascal	Ghenete W. Muir	Alan Pascal
9/16/13	TFB-005193	Larry Stewart	Alan Pascal Ghenete W. Muir	William C. Hearon Todd Stewart
7/30/13	TFB-005976	Larry Stewart	Ghenete W. Muir Alan Pascal	
9/10/13	TFB-006172	Gregory W. Coleman	Eugene Pettis John F. Harkness J. Berry K. Marvin	
11/25/08	TFB-006185	John G. White, III	William C. Hearon	Larry Stewart
2/23/09	TFB-006189	William C. Hearon	John G. White III	Larry Stewart
2/24/09	TFB-006205	John G. White, III	William C. Hearon	
1/13/09	TFB-006233	William C. Hearon	Michael Gilden Richard E. Berman Alan Pascal	Larry Stewart
2/24/09	TFB-006238	John G. White, III	Kenneth L. Marvin	Larry Stewart
2/25/09	TFB-006249	John G. White, III	Kenneth L. Marvin	
2/24/09	TFB-006250	JohnG. White, III	William C. Hearon	Kenneth L. Marvin
10/7/13	TFB-008845	Larry Stewart	Adria Quintela	
10/5/13	TFB-008848	Adria Quintela	Larry Stewart	Kenneth L. Marvin

Date	Bates No.	Author	Recipient	Copies to
9/22/13	TFB-008851	Adria Quintela	Larry Stewart	Alan Pascal Adria Quintela Ghenete W. Muir Emily Sanchez William C. Hearon Todd Stewart
9/15/13	TFB-008854	Adria Quintela	Larry Stewart	Adria Quintela Alan Pascal Ghenete W. Muir William C. Hearon Todd Stewart

As elaborated upon in the JQC’s Response to Judge Watson’s Motion to Reject, **the misconduct which underlies this case occurred in 2004.** Most of the “Withheld Emails” pertain to communications between Messrs. Stewart and Hearon, two of the Bad Faith Lawyers, and Bar staff counsel pertaining to the Bar’s prosecution of grievance proceedings against the PIP lawyers.³ The remaining “Withheld Emails” are comprised of internal communications between Bar staff lawyers. **The JQC was neither the author, recipient, nor carbon-copied on any of the Withheld Emails.** Additionally, all of the emails in question were created between 2008–2013, several years after the relevant time period (2002-2004).

The JQC does not contest that the Withheld Emails reflect that Messrs. Stewart and Hearon were vested in the Bar’s prosecution of the PIP lawyers (which

³ In addition to attorney Watson, the PIP lawyers are Gary Marks, Amir Fleisher, Darin Lentner, Charles Kane, and Harley Kane.

is not surprising since they were the victims of the PIP lawyers' unethical conduct). Nonetheless, the Withheld Emails do not undermine the Hearing Panel's conclusion that the evidence, as reviewed *independently* by the panel, was consistent with Judge Crow's findings in the State Court Litigation that attorney Watson engaged in unethical behavior. Judge Watson's repeated attempts to shift the focus of these proceedings into a referendum on the propriety of Larry Stewart's interaction with the Bar (vis-à-vis the Bar's prosecution of the other PIP lawyers) simply has no relevance. The proper scope of any JQC proceeding should remain on the *respondent judge's* present fitness to hold office. *In re: Graham*, 620 So. 2d 1273, 1275 (Fla. 1993), this Court stated; *see also In re Shea*, 759 So. 2d 631, 638 (Fla. 2000).

C. The JQC's Production to Judge Watson Was Complete

Lastly, in a half-hearted argument, Judge Watson argues that "[t]he JQC produced no emails from Stewart to McGrane. Stewart only produced a handful of these emails. Judge Watson reasonably suspects that Stewart lobbied McGrane and the JQC in the same improper manner now disclosed." *See* Motion to Stay at ¶26. The JQC previously responded to this argument in its Response to Judge Watson's Motion to Reject. *See* JQC's Response to Motion to Reject. Judge Watson's supposition that she "*reasonably suspects* Stewart lobbied McGrane and

the JQC in the same improper manner now disclosed,” is entirely conjectural and provides no basis for this Court to take the extraordinary step of staying these proceedings.

CONCLUSION

For the foregoing reasons, the Florida Judicial Qualifications Commission respectfully prays that Judge Watson’s Notice of Filing Copies of Late Produced Discovery and Late Produced Redactions by The Florida Bar and Notice of Judge Watson’s Reservation of Rights and Motion for Stay be **DENIED**.

/s/ Lansing C. Scriven

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION’S RESPONSE
TO JUDGE WATSON’S NOTICE OF FILING COPIES OF LATE**

**PRODUCED DISCOVERY AND LATE PRODUCED REDACTIONS BY
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